

REMARKS

Claim Rejections

Claims 1-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Baratono (US 6,549,793) in view of Aharonson (US 7,177,473).

Drawings

It is noted that the Examiner has accepted the drawings as originally filed with this application.

Claim Amendments

By this Amendment, Applicant has canceled claim 2 and amended claims 1 and 3-11 of this application. It is believed that the amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The Examiner indicated that Baratono disclosed a control unit, a miniature image projector and a dialing apparatus, and Aharonson disclosed a handwriting device. The Examiner further asserts that Baratono in column 3, lines 31-36, teaches that the image projected on the windshield is composed of multiple regions that include a written text display region, a confirmation region and a plurality of function keys.

Baratono discloses a combined rear view mirror and telephone. In column 3, lines 31-36, Baratono states:

The dialing means 14 may be electronically connected to a display panel (not shown) to show dialed numbers before a correction signal is sent from the cellular phone 10. The display panel may be a liquid crystal display with a backlight or may be any other display typically used in electronic devices.

In column 3, lines 37-41, Baratono states:

Alternatively, the display may be an image projecting device (not shown) supported in the housing 20 or in any other suitable location, the projecting device being adapted to project dialed numbers onto a windshield as the digits are dialed.

According to Baratono's disclosure, only the **dialed numbers** are projected on the windshield. The dialed number is input by the dialing means 14. The dialing means 14 is in the form of a number pad comprising an array of buttons or keys 52 and an array of function keys 42, 44, 46, and 48.

When Baratono's disclosure is combined with Aharonson's handwriting device, even though the combination is capable of receiving handwriting data, the combination still only shows the dialed numbers and fails to teach that the projected image has a **written text display region, a confirmation region, and multiple function keys**.

As disclosed in the original specification, page 5, lines 4-15, the written text display shows all text information written by the user and the confirmation region shows the recognized results of the written text thereby greatly simplifying ease of use of the invention and allowing a user to check handwritten text for errors should an incorrect number be generated. The image also displays multiple function keys. When the user moves a cursor provided by the handwriting device to a selected function key on the image, the user can activate the function key using the handwriting device to execute a corresponding function.

Even if the teachings of Baratono and Aharonson were combined, as suggested by the Examiner, the resultant combination does not suggest: the image being composed of regions including: a written text display region for displaying the handwritten data received by the handwriting device; a confirmation region for displaying the most similar words recognized by the control unit; and multiple function keys including a "confirmed", "delete", "dial", "switch" and "store".

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by

appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Baratono or Aharonson that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Baratono nor Aharonson disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to

arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's amended claims.

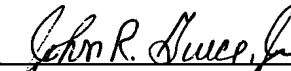
Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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By:



John R. Guice, Jr.
Reg. No. 39,699

TROXELL LAW OFFICE PLLC
5205 Leesburg Pike, Suite 1404
Falls Church, Virginia 22041
Telephone: 703 575-2711
Telefax: 703 575-2707

CUSTOMER NUMBER: 40144